

# **EXHIBIT A**



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Transmittal Number: 25326341  
Date Processed: 08/04/2022

## Notice of Service of Process

**Primary Contact:** WF West - WF Bank  
Corporation Service Company- Wilmington, DELAWARE  
251 Little Falls Dr  
Wilmington, DE 19808-1674

**Entity:** Wells Fargo Bank, National Association  
Entity ID Number 2013649

**Entity Served:** Wells Fargo Bank, N.A.

**Title of Action:** Kristen Bryant vs. Wells Fargo Bank, N.A

**Matter Name/ID:** Kristen Bryant vs. Wells Fargo Bank, N.A (12647958)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Contract

**Court/Agency:** Cabell County Circuit Court, WV

**Case/Reference No:** 22-C-245

**Jurisdiction Served:** South Dakota

**Date Served on CSC:** 08/02/2022

**Answer or Appearance Due:** 30 Days

**Originally Served On:** WFB NA

**How Served:** Client Direct

**Sender Information:** Klein & Sheridan, LC  
304-562-7111

**Client Requested Information:** Matter Management User Groups: [Service of Process]  
Routing Rules (CSC): R1663  
Classification: Standard

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**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

WELLS FARGO CLIENT DIRECT – SHOREVIEW, MN  
WELLS FARGO BANK  
1801 PARK VIEW DRIVE 1<sup>st</sup> FLOOR  
SHOREVIEW, MN 55126-5030  
MAC: N9160-010

BATCH COVER SHEET

For use only when overnighting multiple services

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DATE SERVED: 8/2/2022

TO: Service of Process / Corporation Service Company

OVERNIGHT: Corporation Service Company  
Attn: SOP / Wells Fargo  
1201 Hays Street  
Tallahassee, FL 32301-2699  
800-927-9801

FROM:  Eileen Salmi  
 Praimchand Sukha

SENDER PHONE NO.:  763-795-2423  
 763-795-2443

STATE SERVED: Per Document

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COMMENTS/NOTES:

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Please read this section: The date on this cover sheet is the date that the Wells Fargo EIS Customer Support team received this service. CSC has a mandatory date served field and this date will be entered as we may not have the actual date served.

If a Wells Fargo enterprise mailroom receives an envelope that does not include a team members name, mac code, or the team has been displaced, the mail is sent to the EIS Customer Support team to open the envelope, review the document and route. When the mail is received at the many locations, the date received may or may not be added. The SOP team requested that all legal mail from the EIS Customer Support team be sent to CSC to upload to CSC Navigator/Matter Management and route.

This facsimile contains information which (a) may be LEGALLY PRIVILEGED, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) is Intended only for the use of the Addressee(s). If you are not the Addressee, or the person responsible for delivering this to the Addressee(s), you are hereby notified that reading, copying or distributing this facsimile is prohibited. If you have received this facsimile in error, please email us so we may provide you with a mailing address to send the document back to us.

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

**Kristen Bryant,**  
**Plaintiff,**

vs.

**Wells Fargo Bank, N.A.,**  
**Defendant.**

Civil Action No.: 22-C-245

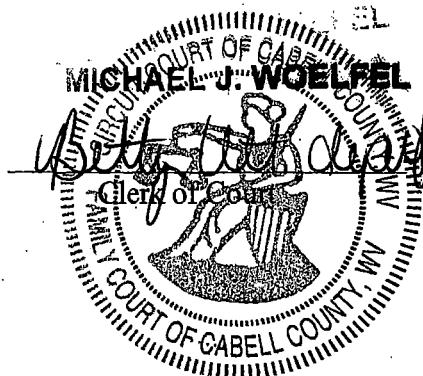
/s/PAUL T. FARRELL

**SUMMONS**

To the above-named DEFENDANT: **Wells Fargo Bank, N.A.**  
**101 N Phillips Avenue**  
**Sioux Falls, SD 57104**

IN THE NAME OF THE STATE OF WEST VIRGINIA: you are hereby summoned and are required to serve upon **Megan A. Patrick, Plaintiff's attorney**, whose address is: **Klein & Sheridan, LC, 3566 Teays Valley Road, Hurricane, WV 25526**, an answer, including any related counterclaim, or any other claim you may have to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **thirty (30)** days after service of this summons upon you, exclusive of the date of service. If discovery is attached, you are further required to file a response to attached discovery within **forty-five (45)** of the service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim, or any other claim in the above-styled action.

DATED: JUL 18 2022, 2022





IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

Kristen Bryant,  
Plaintiff,

vs.

Wells Fargo Bank, N.A.  
Defendant.

Civil Action No.: 22 C-245

/s/PAUL T. FARRELL

COMPLAINT

1. The Plaintiff, Kristen Bryant, is a resident of Cabell County, West Virginia.
2. The Plaintiff is a person who falls under the protection of Article 2 of the West Virginia Consumer Credit and Protection Act (herein "WVCCPA") and is entitled to the remedies set forth in Article 5 of the WVCCPA.
3. The Defendant, Wells Fargo Bank, N.A., is a corporation having its principal offices in a state other than West Virginia and which does business in West Virginia.
4. The Defendant is a debt collector as defined by *West Virginia Code §46A-2-122(d)* engaging directly or indirectly in debt collection as defined by *West Virginia Code §46A-2-122(c)* within the State of West Virginia, including Cabell County, West Virginia.
5. After the Plaintiff became in arrears upon the alleged indebtedness to the Defendant, upon the Plaintiff's account with Wells Fargo Bank, N.A., the Defendant began to engage in collection of such indebtedness through the use of telephone calls placed to the Plaintiff, by written communications, and did otherwise communicate with the Plaintiff to collect the alleged debt.
6. Thereafter, the Plaintiff sent written notification to the Defendant that she was represented by counsel. She did so by certified mail, return receipt requested.

7. The Defendant signed for the notice of attorney representation and was aware of the Plaintiff's counsel's phone number and address.
8. The Defendant continued to contact the Plaintiff regardless of its knowledge of the Plaintiff's retention of counsel.
9. The Defendant continued to cause telephone calls to be placed to the Plaintiff.
10. Upon information and belief, the Defendant maintains records of each call placed to the Plaintiff by date, time called, duration of call, the identity of the Defendant's employee and notes or codes placed upon such record by the Defendant's employee.
11. Such records will reflect that the Defendant placed telephone calls to the Plaintiff after it received written notification that the Plaintiff was represented by an attorney and was provided with the attorney's name and telephone number.

**COUNT I**

***VIOLATIONS OF THE WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT***

12. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.
13. The Defendant has engaged in repeated violations of Article 2 of the *West Virginia Consumer Credit and Protection Act*, including but not limited to,
  - a. using unfair or unconscionable means to collect a debt from the Plaintiff, in violation of *West Virginia Code §46A-2-128(e)*, by communication with the Plaintiff after it was notified that the Plaintiff was represented by an attorney;
  - b. engaging in unreasonable or oppressive or abusive conduct towards the Plaintiff in connection with the attempt to collect a debt by placing telephone calls to the Plaintiff after the Plaintiff had requested the Defendant stop calling the Plaintiff,

- in violation of *West Virginia Code* §46A-2-125;
- c. causing Plaintiff's phone to ring or engaging persons, including the Plaintiff, in telephone conversations repeatedly or continuously or at unusual times or at times known to be inconvenient, with the intent to annoy, abuse or oppress the Plaintiff, in violation of *West Virginia Code* §46A-2-125(d);
14. As a result of the Defendant's actions, Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued, and otherwise was caused indignation and distress.

## COUNT II

### VIOLATION OF THE WEST VIRGINIA COMPUTER CRIMES AND ABUSE ACT

15. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.
16. The Plaintiff is a "persons" as defined by *West Virginia Code* '61-3C-3(n) as Plaintiff is a "natural persons."
17. The Defendant, Wells Fargo Bank, N.A., is a "person" as defined by West Virginia Code §61-3C-3(n) as Defendant is a "limited partnership, trust association or corporation."
18. The Defendant, with the intent to harass, used an "electronic communication device" as defined by West Virginia Code §61-3C-14(a) to make contact with the Plaintiff after being requested by the Plaintiff to desist from contacting the Plaintiff, in violation of *West Virginia Code* §61-3C-14a(a)(2).
19. The Defendant's actions violated *West Virginia Consumer Credit and Protection Act* Chapter 46A, as described in Count I above, and therefore violate this statute as well.
20. The Plaintiff was injured as a result of the violations of the *West Virginia Computer Crimes and Abuse Act* as set forth above.

21. Plaintiff seeks compensatory damages for injuries provided by *West Virginia Code §61-3C-16(a)(1)* and punitive damages pursuant to *West Virginia Code §61-3C-16(a)(2)*.
22. As a result of the Defendant's actions, Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued, and otherwise caused indignation and distress.

### COUNT III

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#### *VIOLATION OF TELEPHONE HARASSMENT STATUTE*

23. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.
24. The Defendant made or caused to be made telephone calls to the Plaintiff causing Plaintiff's telephone(s) to ring repeatedly and continuously with the intent to annoy and harass the Plaintiff, in violation of *West Virginia Code §61-8-16(a)(3)*.
25. The Defendant's actions violated *West Virginia Consumer Credit and Protection Act* Chapter 46A, as described in Count I above, and therefore violate this statute as well.
26. The Plaintiff was injured by the Defendant's violation of *West Virginia Code §61-8-16(a)(3)*. As Plaintiff was injured by the Defendant's violation of *West Virginia Code §61-8-16(a)(3)*, the Plaintiff has a civil cause of action for damages the Plaintiff sustained by reason of said statutory violation pursuant to *West Virginia Code §55-7-9* which so provides.
27. As a result of the Defendant's actions, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued, and otherwise caused indignation and distress.

**COUNT IV**

***COMMON LAW NEGLIGENCE***

28. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.
29. The Defendant negligently failed to train, supervise, monitor, or otherwise control its employees to ensure that its employees did not violate the WVCCPA, as alleged in Count I.
30. As a result of the Defendant's actions, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued, and otherwise was caused indignation and distress.

**COUNT V**

***INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS***

31. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.
32. The following conduct of the Defendant was atrocious, intolerable and extreme so as to exceed the bounds of decency:
  - a. The Defendant placed telephone calls to the Plaintiff after the Defendant knew that Plaintiff was represented by an attorney, in gross violation of the WVCCPA;
  - b. The Defendant has adopted policies and procedures without regard to West Virginia law, which violate West Virginia law and are designed to, or have the effect of, inflicting emotional distress upon consumers to coerce the consumer to pay money to the Defendant;
  - c. Insofar as the Defendant's violations of the WVCCPA are deemed to be willful, pursuant to *West Virginia Code §46A-5-103(4)* such conduct is, as a matter of

law, criminal conduct punishable by fine and/or imprisonment;

- d. Insofar as the Defendant's conduct caused a phone to ring with the intent to harass, such conduct is criminal conduct pursuant to *West Virginia Code §61-8-16(a)(3)* punishable by fine and/or imprisonment;
- e. Insofar as the Defendant's conduct of engaging in telephone conversations with the Plaintiff undertaken with the intent to harass, such conduct is criminal conduct proscribed by *West Virginia Code §61-8-16(a)(4)* punishable by fine and/or imprisonment;
- f. Insofar as the Defendant's conduct constituted knowingly allowing a phone under the Defendant's control to be used to harass any person, such conduct is criminal conduct proscribed by *West Virginia Code §61-8-16(b)* punishable by fine and/or imprisonment.

33. As a result of the Defendant's actions, the Plaintiff has suffered emotional distress.

34. As a result of the Defendant's actions, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued, and otherwise was caused indignation and distress.

#### **COUNT VI**

##### ***COMMON LAW INVASION OF PRIVACY***

35. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

36. The Plaintiff has an expectation of privacy to be free from harassing and annoying telephone calls within the confines of Plaintiff's home.

37. The acts of the Defendant in placing telephone calls to the Plaintiff's telephone number

invaded, damaged, and harmed the Plaintiff's right of privacy.

38. As a result of the Defendant's actions, the Plaintiff suffered emotional distress.

39. As a result of the Defendant's action, the Plaintiff has been annoyed, inconvenienced,

harassed, bothered, upset, angered, harangued, and otherwise was caused indignation and distress.

**DEMAND FOR RELIEF**

The Plaintiff demands from the Defendant:

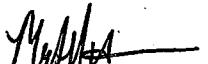
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- a. Actual damages for the violations of the WVCCPA, as authorized by *West Virginia Code §46A-5-101(1)*, for all such violations that occurred up to the date and time of the filing of this complaint;
- b. Statutory damages, in the maximum amount authorized by *West Virginia Code §46A-5-101(1)*, as adjusted for inflation pursuant to *West Virginia Code §46A-5-106*, for all such violations that occurred up to the date and time of the filing of this complaint;
- c. The Plaintiff's cost of litigation, including attorney fees, court costs and fees, pursuant to *West Virginia Code §46A-5-104*;
- d. The Plaintiff be awarded general damages for the Defendant's negligence as alleged in Count IV of the Complaint;
- e. The Plaintiff be granted general damages and punitive damages for the Defendant's conduct alleged in Count II, III, IV, and V;
- f. And, such other relief as the Court shall deem just and proper under the attendant

circumstances.

**PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

**KRISTEN BRYANT,**  
By Counsel,

BY: 

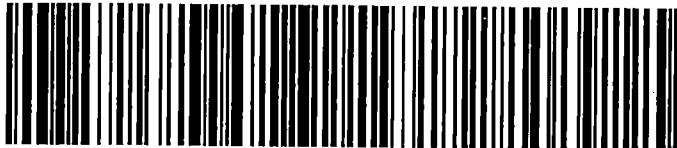
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Benjamin Sheridan (WVSB #11296)  
Megan A. Patrick (WVSB #12592)  
Klein & Sheridan, LC  
3566 Teays Valley Road  
Hurricane, WV 25526  
T: (304) 562-7111  
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E: [mpatrick@kswylaw.com](mailto:mpatrick@kswylaw.com)  
*Counsel for Plaintiff*

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



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WELLS FARGO BANK N.A.  
101 N PHILLIPS AVENUE  
SIOUX FALLS, SD 57104

**Mac Warner**  
Secretary of State  
State of West Virginia  
**Phone:** 304-558-6000  
886-767-8683  
**Visit us online:**  
[www.wvso5.com](http://www.wvso5.com)

**Control Number:** 295096

**Defendant:** WELLS FARGO BANK N.A.  
101 N PHILLIPS AVENUE  
SIOUX FALLS, SD 57104 US

**County:** Cabell  
**Civil Action:** 22-C-245  
**Certified Number:** 92148901125134100003527224  
**Service Date:** 7/25/2022

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

*Mac Warner*

Mac Warner  
Secretary of State



ZIP 25305 \$ 007.68<sup>0</sup>  
02 4W  
0000377395 JUL 26 2022





PEEL HERE

ORIGIN ID:GPZA (763) 795-2423  
EILEEN SALNI  
WELLS FARGO-UTILITY SERVICES  
1801 PARK VIEW DR  
N9160-010 FL 01  
SHOREVIEW, MN 55126  
UNITED STATES US

SHIP DATE: 02AUG22  
ACTWGT: 0.50 LB  
CAD: 104583435WSX12600  
BILL RECIPIENT

TO: SOP / WELLS FARGO  
CORPORATION SERVICE COMPANY  
1201 HAYS ST

TALLAHASSEE FL 32301  
(800) 927-9801 REF: 0139177  
INV: PO: N9160410 DEPT: ESO

104583435WSX12600



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